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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,857	10/13/2000	Yves T'Joens	Q60899	6616
7590	01/12/2005		EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 PENNSYLVANIA AVENUE, N.W. WASHINGTON, DC 20037-3213			WONG, BLANCHE	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/689,857	T'JOENS, YVES	
	<b>Examiner</b>	<b>Art Unit</b>	
	Blanche Wong	2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 August 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-9 is/are allowed.
- 6) Claim(s) 10 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. Pat No. 5,831,975).

With regard to claim 6, Chen discloses network nodes of a hierarchical communication network including nodes connected at different levels (Fig. 1, col. 4, ln. 63-col. 5, ln. 15). The peer group leader (PGL) node floods collected link state information to the lower level peer group (means for supporting an exchange of connection data in the network nodes of the underlying network levels). See col. 5, ln. 32-34. However Chen fails to explicitly show a means for supporting an exchange of connection data between data banks in other network nodes of the underlying network levels.

Where Chen does not expressly disclose a means for supporting an exchange of connection data between data banks in other network nodes of the underlying network levels, it would have been obvious that there would have been communication between the databanks where there are two databanks as seen in claim 10. See below.

A person of ordinary skill in the art would have been motivated to have one or more data banks in order to provide redundancy. The suggestion/motivation to do so would have been to provide for synchronization. At the time the invention was made,

therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to incorporate redundancy in Chen to obtain the invention as specified in claim 6.

With regard to claim 10, Chen discloses a hierarchical communication network (a communication network comprising network nodes in a lower network level). See Fig. 1, col. 4, ln. 63-col. 5, ln. 15. However, Chen fails to explicitly show two separate databanks.

Where Chen does not expressly discloses a communication network comprising all the limitations recited in claim 10, it would have been obvious that

a data bank (it would have been obvious in PNNI that each node bundles its state information in one or more PNNI topology state elements, or PNNI routing information, which are subsequently flooded throughout the peer group, and there is a node topology database consists of a collection of all PNNI topology state elements received) (See also Chen, col. 5, ln. 24-25), provided in each network node in the lower network level, in which connection data for a closer environment is stored; and

an additional data bank (it would have been obvious that the one or more bundling can establish a separate or additional data bank)(See also Chen, col. 5, ln. 29-31 for higher level peer-group; and ln. 35-37 for other peer-groups of which can be a wider environment), assigned to at least one of the network nodes in the lower network level, in which connection data for a wider environment is stored.

A person of ordinary skill in the art would have been motivated to have one or more data banks in order to provide redundancy. The suggestion/motivation to do so would have been to provide for failure protection and backup. At the time the invention was made, therefore, it would have been obvious to one of ordinary skill in the art to which the invention pertains to incorporate redundancy in Chen to obtain the invention as specified in claim 10.

***Allowable Subject Matter***

3. Claim 1-5,7-9 are allowed.

***Response to Arguments***

4. Applicant's arguments filed August 23, 2004 have been fully considered but they are not persuasive.

With regard to claim 6, Applicant contends that "periodically flooding topology state information within a peer group fails to teach or suggest a higher level network node having a means for supporting exchange of connection data between data banks in network of underlying network nodes for which the higher level network node is responsible." Response, p.20-21. Examiner maintains the argument that Chen discloses a "means for supporting an exchange of connection data in the network nodes of the underlying network levels," as recited a limitation of cl. 6. The PGL node floods collected link state information to the lower level peer group. Chen, col. 5, ln. 34. See also para. 2.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BW

BW  
December 29, 2004

*Chau T. Nguyen*

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